

APPEAL NO. 021604
FILED JULY 24, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 22, 2002. The hearing officer determined that the appellant's (claimant) compensable injury does not extend to and include a right hip strain/sprain injury, a lumbar strain/sprain injury, or clinical depression; and that the claimant did not have disability as a result of her compensable injury. The claimant appealed and the respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____, in the form of a cervical strain/sprain. The claimant testified that she was injured when she was struck in the back of the neck by a handrail, which had fallen from approximately eight feet. At issue in this case is the extent of the compensable injury and whether the claimant had sustained disability.

The hearing officer did not err in determining that the claimant's _____, compensable injury does not extend to and include a right hip strain/sprain, lumbar spine strain/sprain, or clinical depression; and that she did not have disability as a result of her compensable injury. The issues of extent of injury and disability presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility to be given to the evidence. Section 410.165(a). There was conflicting evidence presented on the disputed issues. Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Company, 715 S.W.2d 629, 635 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Gary L. Kilgore
Appeals Judge